

AMENDED IN SENATE APRIL 1, 2008

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1285

Introduced by Senator Corbett

February 19, 2008

An act to amend Section 5096.501 of, and to add Section 5096.517 to, the Public Resources Code, relating to state lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 1285, as amended, Corbett. Resource conservation lands: acquisition.

Existing law authorizes various agencies to acquire land for purposes related to conservation. Existing law requires an acquisition agency, as defined, prior to approving the acquisition of conservation land, as defined, where an agency proposes to spend more than \$25,000,000 of state funds, to contract for at least one independent appraisal of the fair market value of the land. Existing law defines "acquisition agency" as the Wildlife Conservation Board or the State Coastal Conservancy.

This bill would instead define "acquisition agency" as the Department of Parks and Recreation, the Wildlife Conservation Board, or a state conservancy.

Existing law requires the independent appraisal to be conducted by a qualified member of the Appraisal Institute and reviewed by a qualified independent appraiser retained by the acquisition agency for this purpose. The acquisition agency is required to make available for public review, among other things, the independent appraisal review, a summary of the basis for the recommendation of approval for the acquisition of the land, and any relevant environmental studies, documents, or other information.

This bill would require the Department of General Services, in consultation with the Department of Parks and Recreation, the Wildlife Conservation Board, and state conservancies, to develop and adopt standards, *subject to the approval of the Resources Agency*, with respect to the acquisition of conservation lands concerning the appraisal process, availability of appraisal information, and valuation for purposes of a charitable contribution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5096.501 of the Public Resources Code
2 is amended to read:

3 5096.501. For purposes of this chapter, the following terms
4 have the following meanings:

5 (a) “Acquisition agency” means the Department of Parks and
6 Recreation, the Wildlife Conservation Board, or a state
7 conservancy.

8 (b) “Conservation lands” means any land or interest therein to
9 be acquired by an acquisition agency, or that is owned by the state
10 and under the jurisdiction of the Wildlife Conservation Board, the
11 State Coastal Conservancy, the Department of Fish and Game, or
12 the Department of Parks and Recreation.

13 (c) “Major acquisition” means an acquisition where an agency
14 proposes to spend more than twenty-five million dollars
15 (\$25,000,000) of state funds.

16 SEC. 2. Section 5096.517 is added to the Public Resources
17 Code, to read:

18 5096.517. The Department of General Services, in consultation
19 with the Department of Parks and Recreation, the Wildlife
20 Conservation Board, and state conservancies, shall develop and
21 adopt standards *subject to the approval of the Resources Agency*,
22 for all of the following with respect to the acquisition of
23 conservation lands:

24 (a) Standards for the appraisal of resource conservation
25 acquisitions. The standards shall include guidelines for all of the
26 following:

27 (1) Qualifications of the appraiser.

28 (2) Appraisal methodology to be used.

1 (3) Scope of the analysis and level of information provided in
2 the appraisal report, including, but not limited to, both of the
3 following:

4 (A) Verifiable data on the development potential of the land,
5 such as what would be required for a development project to
6 proceed.

7 (B) Reports documenting suspected environmental
8 contamination.

9 (4) Reference to comparable government and conservation
10 transactions when available.

11 (5) Age of the appraisal or appraisal update to be reviewed by
12 the department to keep an appraisal from being over one and
13 one-half years old.

14 (6) Appraisal of conservation easements using the Appraisal
15 Institute standards as guidelines once they are adopted.

16 (b) Standards for the release of the appraisal review, including,
17 but not limited to, both of the following:

18 (A) Guidelines to state resource agencies for public disclosure
19 requirements.

20 (B) Improvement of the legislative notification process for better
21 oversight, including when requested by the Legislature, provision
22 of a copy of the appraisal review for a major acquisition before
23 the close of escrow.

24 (c) ~~The~~ *For conservation lands acquired by the state, the*
25 Franchise Tax Board shall use the state-approved appraisal value
26 or the value of an appraisal conducted by a qualified member of
27 the Appraisal Institute, who is licensed pursuant to Part 3
28 (commencing with Section 11300) of Division 4 of the Business
29 and Professions Code, which is within 10 percent of the
30 state-approved appraisal, to calculate the appropriate value of a
31 charitable contribution claimed by the seller.